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E.O. 12065: GDS 1/22/85 (HARRIS, F. ALLEN) OR-P
TAGS: SHUM, AR
SUBJECT: (U). PREPARATIONS FOR IAHRC VISIT

1. (C-ENTIRE TEXT).

2. SUMMARY: PREPARATIONS FOR THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC) ARE UNDER WAY IN THE MINISTRIES OF INTERIOR AND FOREIGN RELATIONS. GOA OFFICIALS SEE THE ARGENTINE HUMAN RIGHTS RECORD MOST VULNERABLE ON THE ISSUES OF TORTURE, MISTREATMENT OF PRISONERS, AND LONG-TERM DETENTION OF EXECUTIVE ("PODER EJECUTIVO NACIONAL") PRISONERS WITHOUT CHARGES. THE GOA IS TAKING STEPS ON THE LATTER POINT TO IMPROVE THE TREATMENT AND THE PROCEDURES FOR DEALING WITH ITS PEN PRISONERS. THE MINISTRY OF INTERIOR HOPES TO REMOVE FROM PEN DETENTION ALL PRISONERS WHO ARE ALSO UNDER CHARGES BY THE CIVIL OR MILITARY JUSTICE SYSTEM. MOST NEW CASES ARE NOT BEING PLACED UNDER PEN, BUT UNDER THE JURISDICTION OF MILITARY COURTS. A FOREIGN MINISTRY OFFICIAL TOLD US HE DOES NOT SEE A GREAT THREAT

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COMING OUT OF AN OAS INVESTIGATION OF THE "DESAPARECIDOS". WITH NO HARD EVIDENCE OF GOA INVOLVEMENT AVAILABLE, THE ISSUE BECOMES A QUESTION OF THE GOVERNMENT'S WORD AGAINST THE WORD OF THE

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MISSING PERSON'S RELATIVES OF FRIENDS. END SUMMARY.

3. THE FOREIGN OFFICE WORKING GROUP ON HUMAN RIGHTS (FOWG) HAS BEGUN WORK TO PREPARE FOR THE LATE-MAY IAHRC VISIT TO ARGENTINA. AS A START, THE FOWG HAS PRODUCED A TWO-INCH BRIEFING BOOK ON THE VISIT FOR THE FOREIGN MINISTER AND HIS NEW AIR FORCE TEAM. IN RECENT CONVERSATIONS, FOWG HEAD ARLIA ADMITTED THAT THERE ARE THREE PRINCIPAL AREAS WHERE THE ARGENTINE HUMAN RIGHTS RECORD IS VULNERABLE TO THE IAHRC INVESTIGATION. THE FIRST IS THE "BAD TREATMENT" RECEIVED BY PEN PRISONERS AND PERSONS "BEING QUESTIONED", AS ARLIA PHRASES IT. A NUMBER OF FIRST-HAND REPORTS OF SUCH MISTREATMENT WILL BE FORMALLY PRESENTED TO THE COMMISSION DURING ITS VISIT, AND ARLIA BELIEVES, THAT THE GOA CANNOT SUCCESSFULLY DISAVOW THOSE TESTIMONIES. THE SECOND AREA OF VULNERABILITY IS THE FAILURE OF THE GOVERNMENT TO TRY LARGE NUMBERS OF PRISONERS IN THE JUDICIAL SYSTEM. THE THIRD, AND COROLLARY, PROBLEM IS THE LONG DETENTION WITHOUT CHARGES OF A LARGE NUMBER OF PEN PRISONERS--SOME CASES FOR PERIODS OF THREE TO FOUR YEARS. IN THESE AREAS, THE FOREIGN OFFICE SEES LITTLE THAT THE GOA CAN DO TO REBUT THE IAHRC REPORT.

4. MINISTER ARLIA BLUNTLY STATED THAT THE ISSUE OF THE "DESAPARECIDOS" WAS NOT AN AREA OF CONCERN AS THERE WAS NOTHING THE GOVERNMENT COULD DO TO RESOLVE
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THIS PROBLEM. THE DISAPPEARANCE REPORTS WOULD BE A QUESTION TO THE GOVERNMENT'S WORD THAT THEY HAD NO INFORMATION ON THE CASES AGAINST THAT OF PARENTS AND OTHERS CLAIMING THAT GOVERNMENT FORCES WERE RESPONSIBLE.



5. ARLIA WENT ON TO EXPRESS THE MINISTRY'S DISPLEASURE OVER THE IAHRC'S RECENT FINDINGS AGAINST THE GOA IN 14 HUMAN RIGHTS CASE INVESTIGATIONS.

6. ARLIA SAID THAT THE GOA'S ATTITUDE TOWARDS THE COMMISSION'S VISIT WOULD DEPEND ENTIRELY ON THE COMMISSION'S BEHAVIOR. IF THE COMMISSION MEMBERS COME TO ARGENTINA PREPARED TO INCLUDE "HEARSAY EVIDENCE" IN ITS REPORT, THEY WOULD MEET STRONG OPPOSITION FROM THE ARGENTINE GOVERNMENT.

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IF ON THE OTHER HAND, THE COMMISSION ARRIVED TO MAKE AN OBJECTIVE APPRAISAL OF THE ARGENTINE SCENE, TAKING INTO ACCOUNT THE TERRORIST ANTECEDENTS OF THE ARGENTINE HUMAN RIGHTS PROBLEM AND NOTING THE SIGNIFICANT IMPROVEMENTS WHICH HAVE TAKEN PLACE IN THE LAST YEAR, THE COMMISSION WOULD FIND THE ARGENTINE GOVERNMENT MOST COOPERATIVE.

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7. ACCORDING TO FOREIGN MINISTER PASTOR IN AN INTERVIEW WITH CLARIN PUBLISHED JANUARY 21, THE IAHRC WILL VISIT ARGENTINA "WITHOUT RESTRICTIONS" TO SEE THE "EVERYDAY REALITY" OF THE COUNTRY. THE COMMISSION WILL ALSO HAVE THE OPPORTUNITY TO OBSERVE THE FUNCTIONING OF ARGENTINA'S LEGAL INSTITUTIONS WHICH, ALTHOUGH THEY CAN BE IMPROVED, ARE NOT ONLY ADEQUATE BUT "COULD SERVE AS A MODEL FOR OTHER COUNTRIES," PASTOR SAID. PASTOR SAID THAT ALTHOUGH THE IAHRC'S "IN LOCO" OBSERVATION VISITS FOLLOW CERTAIN GUIDELINES", IN PRACTICE THESE RULES ARE NOT RIGID, AND THEREFORE THEY SHOULD BE ORIENTED BETTER TO CAPTURE THE PARTICULAR ELEMENTS THAT MAKE UP THE CURRENT ARGENTINE SITUATION." AS FOR THE HUMAN RIGHTS SITUATION IN THE COUNTRY, PASTOR

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REMARKED THAT ALTHOUGH THE SITUATION IS STILL NOT WHAT EVERYONE WOULD WANT, IT IS PROGRESSING TOWARD FULL REESTABLISHMENT OF GUARANTEES AND FREEDOMS CONTAINED IN THE CONSTITUTION, AS THE CAUSES OF THE PROBLEMS CONTINUE TO DIMINISH. EMBASSY COMMENT: WE STILL DO NOT KNOW WHAT JAIL AND OTHER FACILITIES

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THE IAHRC WILL BE ALLOWED TO SEE. TO US PASTOR'S COMMENT SAYS "WE'RE STILL PLAYING IT BY EAR." END COMMENT.

8. A SOURCE AT THE INTERIOR MINISTRY (SAN ROMAN-SEE SAN ROMAN/SACKETT-HARRIS MEMCON OF JANUARY 10, NOTAL) SPOKE RECENTLY OF A NUMBER OF IMPROVEMENTS BEING SOUGHT IN PRISONER TREATMENT AND IN THE ADMINISTRATION OF RIGHT OF OPTION PROGRAM. WITHOUT LINKING THESE IMPROVEMENTS DIRECTLY TO THE IAHRC VISIT, HE SPOKE OF CONCENTRATING PEN PRISONERS WITHIN SIX PRISONS, WITH RESPONSIBILITY FOR THEM TRANSFERRED TO THE INTERIOR MINISTRY AND AWAY FROM THE MINISTRY OF JUSTICE, AND OF REDUCING PEN NUMBERS BY REMOVING FROM THE LISTS THOSE CHARGED WITH CRIMES. SAN ROMAN SPOKE ALSO OF GETTING BETTER HOLD OF THE RIGHT OF OPTION PROCESS, WITH THE IDEA OF GETTING MORE PEOPLE OUT OF THE COUNTRY. FINALLY, HE MENTIONED THE IDEA OF HAVING THE ARMED FORCES DECLARE FLATLY THEY ARE NOT HOLDING CLANDESTINE PRISONERS--THUS CREATING A PRESUMPTION OF DEATH FOR THE DISAPPEARED AND RESOLVING AT LEAST IN PART THE ANXIETY AND LEGAL PROBLEMS FACED BY THE FAMILIES OF THE MISSING.

9. WHERE WE HAVE NOT BEEN ABLE TO DETECT THOROUGH PREPARATIONS FOR THE INTER-AMERICAN HUMAN RIGHTS COMMISSION IS AT THE CASES ROSADA. A PRESIDENTIAL ASSISTANT (MALLEA GIL, PROTECT) TOLD AN EMBASSY OFFICER JANUARY 10 THAT, BY CONTRAST, HE WAS BASICALLY RESIGNED TO THE COMMISSION'S WRITING AN "UNFAVORABLE REPORT" AFTER ITS MAY 29-JUNE 6 VISIT HERE.

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